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SENATE BILL 937

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO TAXATION; INCREASING THE DISTRIBUTION OF LIQUOR  
EXCISE TAX REVENUES TO THE LOCAL DWI GRANT FUND; PROVIDING FOR  
DISTRIBUTION OF LIQUOR EXCISE TAX REVENUES TO INCREASE  
TREATMENT PROGRAMS AND FUND A REGIONAL TREATMENT FACILITY IN DE  
BACA COUNTY; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,  
Chapter 182, Section 1, as amended) is amended to read:

"7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND.--A  
distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be  
made to the local DWI grant fund in the following amounts:

A. an amount equal to [~~thirty-four and fifty-seven  
hundredths~~] fifty-three percent of the net receipts  
attributable to the liquor excise tax in fiscal year 2006;

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1                    B. an amount equal to sixty percent of the net  
2 receipts attributable to the liquor excise tax in fiscal years  
3 2007 and 2008;

4                    C. an amount equal to sixty-five percent of the net  
5 receipts attributable to the liquor excise tax in fiscal years  
6 2009 and 2010;

7                    D. an amount equal to seventy percent of the net  
8 receipts attributable to the liquor excise tax in fiscal years  
9 2011 and 2012;

10                   E. an amount equal to seventy-five percent of the  
11 net receipts attributable to the liquor excise tax in fiscal  
12 years 2013 and 2014;

13                   F. an amount equal to eighty percent of the net  
14 receipts attributable to the liquor excise tax in fiscal years  
15 2015 and 2016;

16                   G. an amount equal to eighty-five percent of the  
17 net receipts attributable to the liquor excise tax in fiscal  
18 years 2017 and 2018;

19                   H. an amount equal to ninety percent of the net  
20 receipts attributable to the liquor excise tax in fiscal years  
21 2019 and 2020;

22                   I. an amount equal to ninety-five percent of the  
23 net receipts attributable to the liquor excise tax in fiscal  
24 years 2021 and 2022; and

25                   J. an amount equal to one hundred percent of the

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1 net receipts attributable to the liquor excise tax in fiscal  
2 year 2023 and subsequent fiscal years. "

3 Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,  
4 Chapter 65, Section 3, as amended) is amended to read:

5 "11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

6 A. The division shall establish a local DWI grant  
7 program to make grants to municipalities or counties for:

8 (1) new, innovative or model programs,  
9 services or activities to prevent or reduce the incidence of  
10 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;  
11 and

12 (2) programs, services or activities to  
13 prevent or reduce the incidence of domestic abuse related to  
14 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

15 B. Grants shall be awarded by the council pursuant  
16 to the advice and recommendations of the division.

17 C. The "local DWI grant fund" is created in the  
18 state treasury and shall be administered by the division. Two  
19 million five hundred thousand dollars (\$2,500,000) of liquor  
20 excise tax revenues distributed to the fund and all other money  
21 in the fund, other than money appropriated for distribution  
22 pursuant to Subsections D, [~~and~~] E and F of this section and  
23 money appropriated for DWI program distributions, are  
24 appropriated to the division to make grants to municipalities  
25 and counties upon council approval in accordance with the

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1 program established under the Local DWI Grant Program Act and  
2 to evaluate DWI grantees and the local DWI grant program.  
3 Money in the fund may be used for drug courts. An amount equal  
4 to the liquor excise tax revenues distributed annually to the  
5 fund less [~~five million six hundred thousand (\$5,600,000)~~]  
6 seven million six hundred thousand dollars (\$7,600,000) is  
7 appropriated to the division to make DWI program distributions  
8 to counties upon council approval of programs in accordance  
9 with the provisions of the Local DWI Grant Program Act. No  
10 more than six hundred thousand dollars (\$600,000) of liquor  
11 excise tax revenues distributed to the fund in any fiscal year  
12 shall be expended for administration of the grant program.  
13 Balances in the fund at the end of any fiscal year shall not  
14 revert to the general fund.

15 D. Two million eight hundred thousand dollars  
16 (\$2,800,000) of the liquor excise tax revenues distributed to  
17 the local DWI grant fund is appropriated to the division for  
18 distribution to the following counties in the following amounts  
19 for funding of alcohol detoxification and treatment facilities  
20 that provide services, including sobering services,  
21 detoxification, screening, assessment, referral and case  
22 management for clients with alcohol, poly-substance and co-  
23 occurring behavioral needs:

24 (1) one million seven hundred thousand dollars  
25 (\$1,700,000) to class A counties with a population of over

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1 three hundred thousand persons according to the 1990 federal  
2 decennial census;

3 (2) three hundred thousand dollars (\$300,000)  
4 each to counties reclassified in 2002 as class A counties with  
5 a population of more than ninety thousand but less than one  
6 hundred thousand persons according to the 1990 federal  
7 decennial census;

8 (3) two hundred thousand dollars (\$200,000) to  
9 class B counties with a population of more than thirty thousand  
10 but less than forty thousand persons according to the 1990  
11 federal decennial census;

12 (4) one hundred fifty thousand dollars  
13 (\$150,000) to class B counties with a population of more than  
14 sixty-two thousand but less than sixty-five thousand persons  
15 according to the 1990 federal decennial census; and

16 (5) one hundred fifty thousand dollars  
17 (\$150,000) to class B counties with a population of more than  
18 thirteen thousand but less than fifteen thousand persons  
19 according to the 1990 federal decennial census.

20 E. Three hundred thousand dollars (\$300,000) of the  
21 liquor excise tax revenues distributed to the local DWI grant  
22 fund is appropriated to the division for the interlock device  
23 fund to cover the costs of installing and removing ignition  
24 interlock devices for indigent people who are required,  
25 pursuant to convictions under Section 66-8-102 NMSA 1978, to

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1 install those devices in their vehicles.

2 F. Two million dollars (\$2,000,000) of the liquor  
3 excise tax revenues distributed to the local DWI grant fund is  
4 appropriated to the department of health for school-based  
5 initiatives to increase programs in health clinics associated  
6 with substance and alcohol problems.

7 [~~F.~~] G. In awarding DWI grants to local  
8 communities, the council:

9 (1) may fund new or existing innovative or  
10 model programs, services or activities designed to prevent or  
11 reduce the incidence of DWI, alcoholism or alcohol abuse;

12 (2) may fund existing community-based  
13 programs, services or facilities for prevention, screening and  
14 treatment of alcoholism and alcohol abuse;

15 (3) may fund new or existing innovative or  
16 model programs, services or activities of any kind designed to  
17 prevent or reduce the incidence of domestic abuse related to  
18 DWI, alcoholism or alcohol abuse;

19 (4) may fund existing community-based  
20 programs, services or facilities for prevention and treatment  
21 of domestic abuse related to DWI, alcoholism or alcohol abuse;

22 (5) shall give consideration to a broad range  
23 of approaches to prevention, education, screening, treatment or  
24 alternative sentencing, including programs that combine  
25 incarceration, treatment and aftercare, to address the problem

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1 of DWI, alcoholism or alcohol abuse; and

2 (6) shall make grants only to counties or  
3 municipalities in counties that have established a DWI planning  
4 council and adopted a county DWI plan or are parties to a  
5 multicounty DWI plan that has been approved by the council and  
6 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only  
7 for programs, services or activities consistent with that plan.  
8 A DWI plan shall also comply with local DWI grant program rules  
9 and guidelines.

10 [G.] H. The council shall use the criteria in  
11 Subsection [F] G of this section to approve DWI programs,  
12 services or activities for funding through the county DWI  
13 program distribution. Sixty-five percent of the DWI grants  
14 awarded to local communities shall be used for alcohol-related  
15 treatment and detoxification programs. "

16 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,  
17 Chapter 182, Section 2, as amended) is amended to read:

18 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM  
19 FUNDS-- APPROVAL OF PROGRAMS. --

20 A. An amount equal to the liquor excise tax  
21 revenues distributed to the local DWI grant fund for the fiscal  
22 year less [~~five million six hundred thousand dollars~~  
23 ~~(\$5,600,000)] seven million six hundred thousand dollars  
24 (\$7,600,000) shall be available for distribution in the  
25 following amounts for the following purposes:~~

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1                   (1) an amount equal to eighty-four and  
2 eight-tenths percent of the liquor excise tax revenues  
3 distributed pursuant to this section is distributed in  
4 accordance with the formula in Subsection B of this section to  
5 each county for council-approved DWI programs, services or  
6 activities; provided that each county shall receive a minimum  
7 distribution of at least one-half percent of the money  
8 available for distribution;

9                   (2) an amount equal to seven and six-tenths  
10 percent of the liquor excise tax revenues distributed pursuant  
11 to this section is appropriated to the division for  
12 distribution to counties with the greatest additional need  
13 based on a formula to be developed; and

14                   (3) an amount equal to seven and six-tenths  
15 percent of the liquor excise tax revenues distributed pursuant  
16 to this section is appropriated to the department of health to  
17 fund a regional alcohol detoxification and treatment facility  
18 in De Baca county.

19                   B. Each county shall be eligible for a DWI program  
20 distribution in an amount derived by multiplying the total  
21 amount of money available for distribution by a percentage that  
22 is the average of the following two percentages:

23                   (1) a percentage equal to a fraction, the  
24 numerator of which is the retail trade gross receipts in the  
25 county and the denominator of which is the total retail trade

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1 gross receipts in the state; and

2 (2) a percentage equal to a fraction, the  
3 numerator of which is the number of alcohol-related injury  
4 crashes in the county and the denominator of which is the total  
5 alcohol-related injury crashes in the state.

6 C. A county shall be eligible to receive the  
7 distribution determined pursuant to Subsection B of this  
8 section if the board of county commissioners has submitted to  
9 the council a request to use the distribution for the operation  
10 of one or more DWI programs, services or activities in the  
11 county and the request has been approved by the council. The  
12 request shall also comply with local DWI grant program rules  
13 and guidelines.

14 D. No later than April 1 each year, each board of  
15 county commissioners seeking approval for the DWI program  
16 distribution pursuant to Subsection B of this section shall  
17 make application to the division for review and approval by the  
18 council for one or more local DWI programs, services or  
19 activities in the county. Application shall be made on a form  
20 and in a manner determined by the division. The council shall  
21 approve the programs eligible for a distribution no later than  
22 July 1 of each year. The division shall make the annual  
23 distribution to each county in quarterly installments on or  
24 before each September 10, December 10, March 10 and June 10,  
25 beginning in September 2004. The amount available for

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1 distribution quarterly to each county shall be the amount  
2 determined by applying the formula in Subsection B of this  
3 section to the amount of liquor excise tax revenues in the  
4 local DWI grant fund at the end of the month prior to the  
5 quarterly installment due date and after one million three  
6 hundred twenty-five thousand dollars (\$1,325,000) has been set  
7 aside for the DWI grant program and after the appropriations  
8 and distributions pursuant to Subsections D, [~~and~~] E and F of  
9 Section 11-6A-3 NMSA 1978.

10 E. If a county does not have a council-approved DWI  
11 program, service or activity or does not need the full amount  
12 of the available distribution, the unused money shall revert to  
13 the local DWI grant fund and may be used by the council for the  
14 local DWI grant program.

15 F. As used in this section:

16 (1) "alcohol-related injury crashes" means the  
17 average annual number of alcohol-related injury crashes during  
18 the period from January 1, 2000 through December 31, 2002, as  
19 determined by the traffic safety bureau of the [~~state highway~~  
20 and] department of transportation [~~department~~]; and

21 (2) "retail trade gross receipts" means the  
22 total reported gross receipts attributable to taxpayers  
23 reporting under the retail trade industry sector of the state  
24 for the most recent fiscal year as determined by the taxation  
25 and revenue department. "

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